



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

April 10, 2020

**BY ECF**

The Honorable Paul A. Crotty  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

4/14/2020

The April 15 conference  
is adjourned to June 17,  
2020 at 11 AM. Time is  
excluded through June  
17, 2020. SO ORDERED.

**Re: *United States v. Dacheng Zhen, et al.*, 20 Cr. 56 (PAC)**

Dear Judge Crotty:

The Government writes to provide the Court with an update on the status of the above-captioned case, regarding the pre-trial conference currently scheduled for April 15, 2020, and regarding the pending bail applications in this case.

First, discovery in the case is largely complete, with the exception of a small amount of the cellphone data that was seized in the course of the investigation. With respect to the cellphones, the Government told each defense counsel in early March that full extractions from each of the defendants' phones were available once defense counsel provided a hard drive large enough for the data. While Zhen and Hernandez received their respective phone extractions, in light of complications associated with the COVID-19 pandemic, Arias Villar and Martinez Guzman have not received the full extractions from their respective phones. The Government will produce their full extractions as soon as possible after receiving hard drives. Additionally, the Government produced material responsive to the search warrants from all phones other than Zhen's phones to all of the defendants. A Mandarin-speaking agent is still in the process of reviewing Zhen and Victim-1's phones for discoverable material. The Government will produce that material as soon as it is available. Finally, the Government has been unable to access data from three of the seized phones, which were locked. In the event that the Government is able to access that data at a later point, it will produce that data to the defendants.


Second, with the consent of counsel for the defendants, the Government respectfully requests that the Court adjourn the April 15 pre-trial conference for sixty days in light of the COVID-19 pandemic. The Government further requests that the Court exclude time from calculation under the Speedy Trial Act until the date of the next conference. Such an exclusion of time will serve the interests of justice, as it will allow the defendants an opportunity to continue reviewing discovery, to contemplate any pretrial motions, and for the parties to discuss any pretrial resolutions.

Third, counsel for Edward Hernandez has informed the Government that he wishes to be heard on his April 6, 2020 bail application, and consents to a telephonic hearing. Also with respect to this application, the Government has received medical records from the Bureau of Prisons for Mr. Hernandez. The Government will forward those records to the Court by email, with a request that they be maintained under seal. The records indicate that the defendant does not suffer from medical conditions that render him high-risk for suffering complications from COVID-19.

Finally, the Government understands that counsel for Walkin Francisco Arias Villar consents to having his bail application resolved without a hearing.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

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cc: All counsel (by ECF)